



Order Filed on April 12, 2017
by Clerk, U.S. Bankruptcy
Court - District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

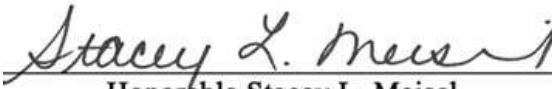
In Re:
Joseph T. Guarracino and Yvette L. Guarracino

Case No.: 14-30441 (SLM)
Chapter: 7
Hearing Date: March 22, 2016
Judge: Stacey L. Meisel

ORDER GRANTING RECONSIDERATION IN PART AND DENYING IT IN PART

The relief set forth on the following pages, numbered two (2) through 3 is
ORDERED.

DATED: April 12, 2017


Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Debtor: Joseph T. Guarracino and Yvette L. Guarracino
Case No.: 14-30441 (SLM)
Caption of Order: Order Granting Reconsideration in Part and Denying it in Part

THIS MATTER having been brought before the Court by Alliance Shippers, Inc. (“**Alliance**”) on a *Motion for Reconsideration* (“**Motion**”) by and through its counsel, Ronald Horowitz, seeking an Order (i) vacating the Court’s February 16, 2016 *Order Authorizing Public Sale of Property of the Estate and Denying Cross-Motion by Alliance Shippers, Inc. to Vacate Order Compelling Turnover* (the “**Sale Order**”) (Docket No. 82), and (ii) prohibiting the Chapter 7 Trustee, Steven P. Kartzman (the “**Trustee**”), from auctioning the 2005 Mitsubishi 14-foot refrigerated truck (the “**2005 Truck**”) and the 1999 International 20-foot refrigerated box truck (the “**1999 Truck**”) that were the subject of the Sale Order, or, if the Trustee conducted the sale, ordering the Trustee to hold the auction proceeds in trust pending further Order of this Court; and the Trustee having filed Opposition by and through his counsel, Mellinger, Sanders & Kartzman, LLC; and the Court having reviewed the Motion, all opposition, and supplemental submissions on this matter and having heard the arguments of counsel; for the reasons set forth in the opinion of this Court dated April 12, 2017 on this issue (Docket No. 149), and for good cause shown,

WHEREAS the Court finds that the 1999 Truck was an asset of GFP Distributors, Inc. d/b/a Garden Fresh Produce (“**GFP**”);

WHEREAS the Court further finds that the 1999 Truck must be used to pay the liabilities of GFP first, and that after satisfaction of GFP’s corporate liabilities, any surplus will become an asset of co-debtor Joseph T. Guarracino’s (“**Mr. Guarracino**”) estate; and

WHEREAS the Court finds that the 2005 Truck was not an asset of GFP, but an asset of Mr. Guarracino’s estate; it is hereby

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Debtor: Joseph T. Guarracino and Yvette L. Guarracino
Case No.: 14-30441 (SLM)
Caption of Order: Order Granting Reconsideration in Part and Denying it in Part

ORDERED that Reconsideration is GRANTED in part, in that the 1999 Truck was GFP's corporate asset; it is further

ORDERED that any proceeds derived from the sale of the 1999 Truck must first be utilized to satisfy corporate creditors; it is further

ORDERED that any surplus from the proceeds of the 1999 Truck, after payment to corporate creditors, shall be paid to the Trustee; it is further

ORDERED that Reconsideration is DENIED in part, in that the 2005 Truck was an asset of Mr. Guarracino's estate; it is further

ORDERED that any proceeds derived from the sale of the 2005 Truck shall be utilized to satisfy creditors of Mr. Guarracino's estate; it is further

ORDERED that Alliance's request to vacate the Sale Order is DENIED as moot.

Imaged Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Joseph T. Guarracino
Yvette L. Guarracino
DebtorsCase No. 14-30441-SLM
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 14, 2017.
db/jdb +Joseph T. Guarracino, Yvette L. Guarracino, 17 Sycamore Court, Westwood, NJ 07675-3523

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 14, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 12, 2017 at the address(es) listed below:

Alla Kachan on behalf of Defendant Joseph T. Guarracino alla@kachanlaw.com
Alla Kachan on behalf of Joint Debtor Yvette L. Guarracino alla@kachanlaw.com
Alla Kachan on behalf of Debtor Joseph T. Guarracino alla@kachanlaw.com
Andrew R. Turner on behalf of Plaintiff Nathel & Nathel courts@turnerlaw.net
Denise E. Carlon on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-18,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-18 dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Dipesh Patel on behalf of Plaintiff Joseph T. Guarracino dpatel@saul.com
Dipesh Patel on behalf of Debtor Joseph T. Guarracino dpatel@saul.com
Dipesh Patel on behalf of Joint Debtor Yvette L. Guarracino dpatel@saul.com
Dipesh Patel on behalf of Plaintiff Yvette L. Guarracino dpatel@saul.com
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Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK,
AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWMBS, INC., CHL MORTGAGE PASS-THROUGH TRUST 2007-18,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-18 jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Nicole Alison Corona on behalf of Trustee Steven P. Kartzman ncorona@msklaw.net
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jgillman@saul.com
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Stephen B. Ravin on behalf of Debtor Joseph T. Guarracino sravin@saul.com, jgillman@saul.com
Stephen B. Ravin on behalf of Plaintiff Yvette L. Guarracino sravin@saul.com,
jgillman@saul.com
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jzapata@msklaw.net;njl6@ecfbis.com;ncorona@msklaw.net;angiea@msklaw.net
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TOTAL: 18